

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:06CR326
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
EARL DEAN DECORY,	)	
	)	
Defendant.	)	

Defendant's Motion to Dismiss (Filing No. 14) is scheduled for hearing before the undersigned magistrate judge at **2:00 p.m. on December 22, 2006**, in Courtroom No. 7, Second Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

Counsel are reminded of the requirements of NECrimR 12.5 which provides as follows:

**Disclosure of Evidence.** This rule applies to all evidentiary hearings on pretrial motions in criminal cases.

(a) **Witnesses.** At the time of the hearing, and to the extent reasonably possible, the parties shall submit to the judge and courtroom deputy a written list of all witnesses whom the parties expect to call.

(b) **Exhibits.** At least twenty-four (24) hours before the hearing, each party shall mark the exhibits that party intends to introduce into evidence at the hearing, and provide a copy to counsel for all other parties and to the presiding judge.

Exhibits should be marked as follows: government's exhibits beginning at Number 1 and defense exhibits beginning at Number 101.

This being a criminal case, defendant must be present unless otherwise ordered by the court.

**IT IS FURTHER ORDERED:**

The ends of justice have been served by granting the defendant the opportunity to file a motion to dismiss out of time and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the allowing the motion, i.e., the time between **November 20, 2006 and November 28, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare

the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 28th day of November, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge